

## Message Text

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-14 ISO-00 ACDA-12 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00

DOE-00 EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00

H-02 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05

NSF-02 OES-07 OMB-01 PA-02 PM-05 SP-02 SS-15

ICA-20 AF-10 ARA-14 EA-12 EUR-12 OIC-02 /213 W

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P 141826Z APR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8434

LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

UNCLAS SECTION 01 OF 03 GENEVA 05692

C O R R E C T E D C O P Y (PARA 5(5), LAST LINE)

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: ORGANIZATION OF WORK: DECISIONS TAKEN BY THE  
CONFERENCE ON THE REPORT OF THE GENERAL COMMITTEE

THE FOLLOWING RECOMMENDATIONS BY THE GENERAL COMMITTEE ON  
THE ORGANIZATION OF WORK WERE ADOPTED BY THE PLENARY ON  
APRIL 12: CONFERENCE DOCUMENT A/CONF.62/62 13 APRIL 1978

1. THE SEVENTH SESSION SHOULD GIVE PRIORITY TO THE  
IDENTIFICATION AND RESOLUTION OF THE OUTSTANDING CORE  
ISSUES. BESIDES THE CORE ISSUES, THE CONFERENCE SHOULD  
ALSO DISCUSS AND RESOLVE ALL OTHER ISSUES WHICH  
REMAIN OUTSTANDING.

2. THE GENERAL PRINCIPLE TO BE ADOPTED SHOULD BE THAT  
WHERE AN ISSUE HAS NOT RECEIVED SUFFICIENT CONSIDERATION  
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IN THE MAIN COMMITTEE TO WHICH IT HAS BEEN ASSIGNED, THAT  
COMMITTEE SHOULD BE FREE FIRST TO DISCUSS THE MATTER AND  
DECIDE WHETHER OR NOT TO APPOINT A NEGOTIATING GROUP  
BEFORE REPORTING TO THE PLENARY.

3. NEGOTIATING GROUPS WHETHER CONSTITUTED BY THE PLENARY  
OR A MAIN COMMITTEE SHOULD COMPRISE A NUCLEUS OF THOSE

COUNTRIES PRINCIPALLY CONCERNED BUT WITH A CLEAR UNDERSTANDING THAT THEY WOULD BE OPEN-ENDED IN THE SENSE THAT ANY PARTICIPANT NOT INCLUDED IN THE ORIGINAL NUCLEUS WOULD BE FREE TO JOIN THE GROUPS WITH THE SAME STATUS AS THE ORIGINAL MEMBERS. EACH NEGOTIATING GROUP WOULD ALSO HAVE THE RIGHT TO FORM SMALLER GROUPS IN ORDER TO EXPEDITE THE PROCESS OF NEGOTIATION. DRAFTING GROUPS WOULD ALSO FALL INTO THE SAME CATEGORY. THE RESULTS OF THE NEGOTIATIONS IN ALL THESE SMALL GROUPS SHOULD BE REPORTED TO THE CHAIRMAN OF THE PARENT BODY, VIZ., THE NEGOTIATING GROUP. THE CHAIRMEN OF THE NEGOTIATING GROUPS WOULD IN TURN REPORT THE RESULTS OF THEIR NEGOTIATIONS TO THE CHAIRMAN OF THE APPROPRIATE COMMITTEE AND TO THE PRESIDENT OF THE CONFERENCE.

4. WHEN THE RESULTS OF THE NEGOTIATING GROUPS ARE REPORTED TO THE CHAIRMAN OF THE APPROPRIATE COMMITTEE AND TO THE PRESIDENT OF THE CONFERENCE, THE PRESIDENT SHOULD, BEFORE BRINGING THE RESULTS TO PLENARY, CONSULT THE CHAIRMAN OF THE APPROPRIATE COMMITTEE AS TO WHAT HE WOULD WISH TO BE DONE IN THE MATTER. TWO ALTERNATIVE COURSES OF ACTION MAY BE ADOPTED: (I) THE CHAIRMAN MIGHT WISH FIRST TO HAVE HIS COMMITTEE CONSIDER THE RESULTS OF THE NEGOTIATIONS BEFORE BRINGING THEM TO PLENARY OR (II) THE RESULTS COULD BE BROUGHT DIRECT TO PLENARY BY THE PRESIDENT WHEN THEY ARE REPORTED TO HIM. WHEN THE RESULTS OF ANY  
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NEGOTIATIONS ARE REPORTED TO PLENARY, IT WOULD BE OPEN TO PLENARY AT AN APPROPRIATE STAGE, IF IT SO DECIDES, TO SEND THE MATTER BACK TO THE COMMITTEE CONCERNED IF IT CONSIDERS THAT FURTHER EXAMINATION OF IT IN THE COMMITTEE WOULD PROMOTE THE PROSPECTS OF A SETTLEMENT.

5. NEGOTIATING GROUPS OF LIMITED SIZE--BUT OPEN-ENDED SHOULD BE ESTABLISHED TO DEAL WITH THE FOLLOWING HARD-CORE ISSUES, ON THE UNDERSTANDING THAT THE WORDING OF THE ISSUES DOES NOT PREJUDICE THE POSITION OF ANY DELEGATION CONCERNING THEIR SUBSTANCE:

(1) SYSTEM OF EXPLORATION AND EXPLOITATION AND RESOURCE POLICY, TAKING NOTE OF THE WORK OF THE INFORMAL GROUP OF TECHNICAL EXPERTS INVITED TO CONSIDER THE TECHNICAL PROBLEMS ASSOCIATED WITH ANY FORMULA THAT MIGHT BE USED TO LIMIT PRODUCTION OF MINERALS FROM THE AREA, CHAIRED BY A MEMBER OF THE UNITED KINGDOM DELEGATION.

(2) FINANCIAL ARRANGEMENTS (THE RESULTS OF AN INFORMAL AND PRELIMINARY STUDY WHICH HAS BEEN MADE SOLELY FOR THE INFORMATION OF DELEGATES AND DOES NOT HAVE THE STATUS OF A

SECRETARIAT DOCUMENT WILL BE AVAILABLE.)

(3) ORGANS OF THE AUTHORITY, THEIR COMPOSITION,  
POWERS AND FUNCTIONS.

(4) RIGHT OF ACCESS OF LAND-LOCKED STATES AND CERTAIN  
DEVELOPING COASTAL STATES IN A SUBREGION OR REGION  
TO THE LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC  
ZONE.

RIGHT OF ACCESS OF LAND-LOCKED AND GEOGRAPHICALLY  
DISADVANTAGED STATES TO THE LIVING RESOURCES  
OF THE ECONOMIC ZONE.

(5) THE QUESTION OF THE SETTLEMENT OF DISPUTES RELATING  
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TO THE EXERCISE OF THE SOVEREIGN RIGHTS OF COASTAL  
STATES IN THE EXCLUSIVE ECONOMIC ZONE.

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INFO OCT-01 NEA-10 IO-14 ISO-00 ACDA-12 AGRE-00 AID-05  
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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8435

LOS COLLECTIVE

AMEMBASSY KATHMANDU

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CORRECTED COPY (PARA 12(A) LAST LINE)

(6) DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF AND THE QUESTION OF PAYMENTS AND CONTRIBUTIONS WITH RESPECT TO THE EXPLOITATION OF THE CONTINENTAL SHELF BEYOND 200 MILES.

DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF AND THE QUESTION OF REVENUE SHARING.

(THE SECRETARIAT'S REPORT ON THE DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF, PREPARED AT THE REQUEST OF THE SECOND COMMITTEE, IS TO BE PRODUCED AS DOCUMENT A/CONF.62/C.2/L.98 AND ADD.1.)

(7) DELIMITATION OF MARITIME BOUNDARIES BETWEEN ADJACENT AND OPPOSITE STATES AND SETTLEMENT OF DISPUTES THEREON.

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IN REGARD TO ITEM (4) ABOVE, THE PRINCIPLE OF "OPEN-ENDEDNESS" OF NEGOTIATING GROUPS SHOULD BE MAINTAINED WITH THE PROVISIO THAT THE CHAIRMAN OF THAT NEGOTIATING GROUP SHALL CONSULT EXTENSIVELY WITH REPRESENTATIVES OF THE TWO GROUPS IMMEDIATELY CONCERNED. THIS WOULD PROVIDE FOR MAXIMUM PARTICIPATION IN AN OPEN-ENDED GROUP AND AT THE SAME TIME ENSURE FULL AND PROPER CONSULTATION WITH THE DELEGATIONS MOST INTERESTED IN THE ISSUE.

6. OTHER ISSUES MAY ALSO BE CONSIDERED IN ACCORDANCE WITH RECOMMENDATION 2 ABOVE. THESE MAY INCLUDE INTER ALIA THE UNCLASSIFIED

FOLLOWING:

(1) REGIME OF ISLANDS;

(2) ENCLOSED AND SEMI-ENCLOSED SEAS;

(3) PREAMBLE AND FINAL CLAUSES.

THIS LIST IS NOT EXHAUSTIVE AND DOES NOT IMPLY ANY DEGREE OF URGENCY OR PRIORITY.

7. IN ACCORDANCE WITH RECOMMENDATION 2, ITEMS (2) AND (3) OF RECOMMENDATION 5 WOULD GO TO THE FIRST COMMITTEE FOR CONSIDERATION AND APPROPRIATE ACTION. ITEM (6) WOULD SIMILARLY GO TO THE SECOND COMMITTEE FOR APPROPRIATE ACTION.

8. THE THIRD COMMITTEE COULD BE CONVENED TO DEAL WITH

SPECIFIC MATTERS CONCERNING POLLUTION, SCIENTIFIC RESEARCH  
AND DEVELOPMENT AND TRANSFER OF TECHNOLOGY WHICH IN ITS  
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VIEW CALLED FOR FURTHER NEGOTIATION.

9. THE PLENARY SHOULD AIM AT THE COMPLETION OF ALL SUB-  
STANTIVE DISCUSSIONS FOR THE PRODUCTION OF A DRAFT CONVEN-  
TION AT THE SEVENTH SESSION. THE WORK PROGRAMME ADOPTED  
BY THE PLENARY SHOULD PROVIDE FOR THE REVISION OF THE IN-  
FORMAL COMPOSITE NEGOTIATING TEXT AND THE DISCUSSION OF  
THE REVISED INFORMAL COMPOSITE NEGOTIATING TEXT.

10. ANY MODIFICATIONS OR REVISIONS TO BE MADE IN THE IN-  
FORMAL COMPOSITE NEGOTIATING TEXT SHOULD EMERGE FROM THE  
NEGOTIATIONS THEMSELVES AND SHOULD NOT BE INTRODUCED ON  
THE INITIATIVE OF ANY SINGLE PERSON, WHETHER IT BE THE  
PRESIDENT OR A CHAIRMAN OF A COMMITTEE, UNLESS PRESENTED  
TO THE PLENARY AND FOUND, FROM THE WIDESPREAD AND SUBSTAN-  
TIAL SUPPORT PREVAILING IN PLENARY, TO OFFER A SUBSTAN-  
TIALY IMPROVED PROSPECT OF A CONSENSUS.

11. THE REVISION OF THE INFORMAL COMPOSITE NEGOTIATING  
TEXT SHOULD BE THE COLLECTIVE RESPONSIBILITY OF THE PRESI-  
DENT AND THE CHAIRMEN OF THE MAIN COMMITTEES, ACTING  
TOGETHER AS A TEAM HEADED BY THE PRESIDENT. THE CHAIRMAN  
OF THE DRAFTING COMMITTEE AND THE RAPPORTEUR-GENERAL SHOULD  
BE ASSOCIATED WITH THE TEAM AS THE FORMER SHOULD BE FULLY  
AWARE OF THE CONSIDERATIONS THAT DETERMINED ANY REVISION  
AND THE LATTER SHOULD, EX-OFFICIO, BE KEPT INFORMED OF THE  
MANNER IN WHICH THE CONFERENCE HAS PROCEEDED AT ALL STAGES.

12. THE FOLLOWING TIME-TABLE MAY, TO THE EXTENT FEASIBLE,  
BE ADOPTED:

(A) ALL NEGOTIATIONS IN COMMITTEES AND NEGOTIATING  
GROUPS SHOULD BE COMPLETED DURING THE FORTNIGHT  
ENDING 25 APRIL 1978;

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(B) THE SECOND STAGE WOULD BE CONSIDERATION OF REPORTS  
IN THE PLENARY DURING THE PERIOD 26 APRIL TO 5 MAY  
1978;

(C) THE THIRD STAGE WOULD BE THE REVISION OF THE IN-  
FORMAL COMPOSITE NEGOTIATING TEXT AND SHOULD TAKE  
PLACE DURING THE WEEK 8-12 MAY 1978;

(D) IN THE FOURTH STAGE THE REVISED INFORMAL COMPOSITE  
NEGOTIATING TEXT AS WELL AS THE QUESTION OF ITS  
FORMALIZATION WILL BE CONSIDERED IN PLENARY DUR-  
ING THE WEEK 15-19 MAY 1978.

THIS PROPOSED TIME-TABLE IS TENTATIVE AND SUBJECT TO VARIA-  
TION AS CIRCUMSTANCES AS WELL AS THE CAPACITY OF THE  
SECRETARIAT TO PROVIDE THE NECESSARY FACILITIES WOULD  
PERMIT.

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13. THE NEGOTIATIONS ON THE SETTLEMENT OF DISPUTES AND ON  
THE PREAMBLE AND FINAL CLAUSES WILL PASS THROUGH THE SAME

STAGES, NAMELY, THE COMMITTEE STAGE AND PLENARY, AS OTHER ISSUES ALLOCATED TO THE THREE MAIN COMMITTEES. FOR THIS PURPOSE IN THE FIRST STAGE THE PLENARY WILL FUNCTION AS A MAIN COMMITTEE.

14. IN ALL NEGOTIATIONS HELD IN PLENARY THE PRESIDENT SHOULD HAVE THE CHAIRMEN OF THE THREE MAIN COMMITTEES ASSOCIATED WITH HIM ON THE PODIUM.

15. THESE RECOMMENDATIONS ON THE ORGANIZATION OF WORK ARE WITHOUT PREJUDICE TO THE RULES OF PROCEDURE WHICH PROVIDE TWO STAGES FOR REACHING AGREEMENT WITH TWO DIFFERENT VOTING METHODS SHOULD IT BE DECIDED AT EITHER OF THOSE STAGES THAT ALL EFFORTS AT REACHING CONSENSUS HAVE FAILED. AT THE SAME TIME THE IMPORTANCE OF THE GENTLEMAN'S AGREEMENT APPEARING AS AN APPENDIX TO THE RULES OF PROCEDURE IS STRESSED.  
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III. DURING THE DISCUSSION ON RECOMMENDATION 12 THERE WERE DELEGATIONS THAT PREFERRED THE DELETION OF THE DATES TO BE INCLUDED IN THE TIME-TABLE AS THEY CONSIDERED THEM UNREALISTIC AND WERE CONCERNED LEST THEIR INCLUSION WOULD BE CONSTRUED AS HAVING A MANDATORY CHARACTER.

THE PRESIDENT EXPLAINED THAT THE TIME-TABLE WAS TENTATIVE AND WAS NOT IN THE LEAST MANDATORY AND SHOULD NOT BE UNDERSTOOD TO IMPLY THAT ALL NEGOTIATIONS SHOULD CEASE ON 25 APRIL 1978 AND THAT THE CONFERENCE SHOULD PROCEED TO THE NEXT STAGE.

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IV. IN REGARD TO RECOMMENDATION 13, THE DELEGATION OF PERU SUGGESTED THAT THE DRAFT APPEARING IN A/CONF.62/BUR.9 BE AMENDED BY THE ADDITION OF THE FOLLOWING:

"ON RECEIVING THE REPORTS REFERRED TO IN RECOMMENDATION 12 (B) ABOVE, THE PLENARY SHALL DECIDE WHETHER IT DEEMS IT NECESSARY OR NOT TO ESTABLISH A FOURTH COMMITTEE TO DEAL WITH THE SETTLEMENT OF DISPUTES AND THE PREAMBLE AND FINAL CLAUSES."

THE DELEGATE OF ALGERIA MADE A COUNTER PROPOSAL TO SUBSTITUTE THE FOLLOWING FOR THE EXISTING RECOMMENDATION 13:

"THE NEGOTIATIONS ON THE SETTLEMENT OF DISPUTES WOULD CONTINUE IN THE PLENARY AS AT PREVIOUS SESSIONS OF THE CONFERENCE. THE PREAMBLE AND THE FINAL CLAUSES WOULD BE DEALT WITH IN THE SAME MANNER AS

THE SETTLEMENT OF DISPUTES."

AS AGREEMENT COULD NOT BE REACHED ON THIS POINT IT  
WAS DECIDED THAT RECOMMENDATION 13 SHOULD BE RETAINED.

FOOTNOTE: PARAGRAPH 5.(4). THE FIRST PART OF THE ITEM IS  
THE FORMULATION REQUIRED BY THE GROUP OF COASTAL STATES -  
THE SECOND PART OF THE ITEM IS THE FORMULATION REQUIRED BY  
THE GROUP OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED  
STATES. ALDRICH

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## Message Attributes

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